



TITLE IN FULL: SGT. JEFFRY S. SARVER, Plaintiff, v THE HURT LOCKER, LLC, et al.,	DISTRICT:	C.D. Cal.	JUDGE:	Jacqueline H. Nguyen
	DISTRICT COURT NUMBER: 2:10-cv-09034			
	DATE NOTICE OF APPEAL FILED:		IS THIS A CROSS APPEAL?	
	November 11, 2011		<input type="checkbox"/> YES	
	IF THIS MATTER HAS BEEN BEFORE THIS COURT PREVIOUSLY, PLEASE PROVIDE THE DOCKET NUMBER AND CITATION (IF ANY): No			
BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW: Plaintiff brought suit, alleging claims for 1) Right of Publicity/Misappropriation of Name & Likeness; 2) False Light Invasion of Privacy; 3) Defamation; 4) Breach of Contract; 5) Intentional Infliction of Emotional Distress; 6) Fraud; and 7) Constructive Fraud. The case was transferred from the U.S. District Court for the District of New Jersey to C.D. Cal. The Court granted Defendants' Motions to Strike pursuant to Cal. Code Civ. Proc. Section 425.16 in error.				
PRINCIPAL ISSUES PROPOSED TO BE RAISED ON APPEAL: 1) The Court granted the Motion to Transfer in Error. 2) The Court granted the Motion to Strike Pursuant to 425.16 in error. 3) The Court awarded attorneys' fees to Defendants in error.				
PLEASE IDENTIFY ANY OTHER LEGAL PROCEEDING THAT MAY HAVE A BEARING ON THIS CASE (INCLUDE PENDING DISTRICT COURT POST-JUDGMENT MOTIONS): 				
DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING: <input type="checkbox"/> Possibility of Settlement <input type="checkbox"/> Likelihood that intervening precedent will control outcome of appeal <input type="checkbox"/> Likelihood of a motion to expedite or to stay the appeal, or other procedural matters (Specify) <input type="checkbox"/> Any other information relevant to the inclusion of this case in the Mediation Program <input type="checkbox"/> Possibility parties would stipulate to binding award by Appellate Commissioner in lieu of submission to judges				

LOWER COURT INFORMATION

JURISDICTION		DISTRICT COURT DISPOSITION	
FEDERAL	APPELLATE	TYPE OF JUDGMENT/ORDER APPEALED	RELIEF
<input type="checkbox"/> FEDERAL QUESTION <input checked="" type="checkbox"/> DIVERSITY <input type="checkbox"/> OTHER (SPECIFY): <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	<input checked="" type="checkbox"/> FINAL DECISION OF DISTRICT COURT <input type="checkbox"/> INTERLOCUTORY DECISION APPEALABLE AS OF RIGHT <input type="checkbox"/> INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE (SPECIFY): <div style="border: 1px solid black; height: 30px; width: 100%;"></div> <input type="checkbox"/> OTHER (SPECIFY): <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	<input type="checkbox"/> DEFAULT JUDGMENT <input type="checkbox"/> DISMISSAL/JURISDICTION <input type="checkbox"/> DISMISSAL/MERITS <input type="checkbox"/> SUMMARY JUDGMENT <input type="checkbox"/> JUDGMENT/COURT DECISION <input type="checkbox"/> JUDGMENT/JURY VERDICT <input type="checkbox"/> DECLARATORY JUDGMENT <input type="checkbox"/> JUDGMENT AS A MATTER OF LAW <input checked="" type="checkbox"/> OTHER (SPECIFY): <div style="border: 1px solid black; padding: 5px;">ORDER granting Motions to Strike Pursuant to Cal. Code Civ. Proc. section 425.16</div>	<input checked="" type="checkbox"/> DAMAGES: SOUGHT \$ <div style="border: 1px solid black; padding: 2px;">Over \$75,000</div> AWARDED \$ <div style="border: 1px solid black; width: 80px; height: 20px;"></div> <input type="checkbox"/> INJUNCTIONS: <input type="checkbox"/> PRELIMINARY <input type="checkbox"/> PERMANENT <input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED <input checked="" type="checkbox"/> ATTORNEY FEES: SOUGHT \$ <div style="border: 1px solid black; width: 80px; height: 20px;"></div> AWARDED \$ <div style="border: 1px solid black; width: 80px; height: 20px;"></div> <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> COSTS: \$ <div style="border: 1px solid black; width: 80px; height: 20px;"></div>

CERTIFICATION OF COUNSEL

I CERTIFY THAT:

1. COPIES OF ORDER/JUDGMENT APPEALED FROM ARE ATTACHED.
2. A CURRENT SERVICE LIST OR REPRESENTATION STATEMENT WITH TELEPHONE AND FAX NUMBERS IS ATTACHED (SEE 9TH CIR. RULE 3-2).
3. A COPY OF THIS CIVIL APPEALS DOCKETING STATEMENT WAS SERVED IN COMPLIANCE WITH FRAP 25.
4. I UNDERSTAND THAT FAILURE TO COMPLY WITH THESE FILING REQUIREMENTS MAY RESULT IN SANCTIONS, INCLUDING DISMISSAL OF THIS APPEAL.

Signature

11/10/2011

Date

COUNSEL WHO COMPLETED THIS FORM

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****THIS DOCUMENT SHOULD BE FILED IN DISTRICT COURT WITH THE NOTICE OF APPEAL. ****
****IF FILED LATE, IT SHOULD BE FILED DIRECTLY WITH THE U.S. COURT OF APPEALS.****